

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CARNELL HUNNICUTT,

Plaintiff,

v.

No. 18-cv-889 JB/KBM

FNU DESANTIAGO, *et al*,

Defendants.

**ORDER DENYING DISCOVERY REQUEST AND EXCUSING
FURTHER OBLIGATIONS PENDING INITIAL REVIEW**

Before the Court is Plaintiff's *pro se* Motion Requesting Discovery (Doc. 6) in connection with his civil rights claims (Doc. 1-1). Defendants removed Plaintiff's original Tort Complaint to Federal District Court on September 20, 2018. (Doc. 1). Thereafter, Plaintiff filed an Amended Complaint seeking damages under 42 U.S.C. § 1983. (Doc. 9). Because Plaintiff is a prisoner who seeks redress from a governmental entity or officer, the Court must screen the Amended Complaint pursuant to 28 U.S.C. § 1915A. *Sua sponte* dismissal is required if the Amended Complaint fails to state a cognizable claim or seeks monetary relief from a defendant who is immune. 28 U.S.C. §1915A(b). Section 1997(e) of Title 42 further provides that a defendant may decline to reply to any action brought by a prisoner until the Court orders a response. 42 U.S.C. § 1997e(g)(1)-(2). Finally, prisoner petitions are excluded from pre-trial case management procedures, including discovery obligations, under the Court's local rules. *See* NMLR 16.3(d). Based on these authorities, the Court will deny the Motion Requesting Discovery (Doc. 6) and excuse all further obligations pending initial review.

IT IS ORDERED that the Motion Requesting Discovery (Doc. 6) is DENIED without prejudice.

IT IS FURTHER ORDERED that until further Order by the Court, the parties are excused from any pre-screening obligations, including responding to the other's filings. Once screening is complete, the Court will enter a separate order either dismissing the Complaint or setting further deadlines.


UNITED STATES MAGISTRATE JUDGE